UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

STEPHEN JOHNSON,

Plaintiff,

v. Case No. 03-C-0775

CITY OF MILWAUKEE,
OFFICER JOHNSON,
OFFICER JONES,

Defendants.

ORDER REJECTING "JUDICIAL NOTICE"

On April 20, 2005, plaintiff Stephen Johnson filed a document titled "JUDICIAL NOTICE." In the document, he states that this court "shall take judicial notice of" affidavits filed by defendants Johnson and Jones and U.S. Supreme Court case law. However, judicial notice of these items is not necessary. Supreme Court decisions are binding precedent on this court; no "judicial notice" is required. Any affidavits in the file relating to the pending summary judgment motion will be considered by the court in deciding that motion. Affidavits that have not been filed by the parties in the record of this case will not be considered by the court.

Johnson has filed prior documents with the same title, in which he recounts certain extradition proceedings in Wisconsin relating to charges in Illinois. (*See* Judicial Notice filed June 2, 2004; Judicial Notice filed June 4, 2004.) He asserts in one such document that the State of Wisconsin was trying to extradite him to prevent him from

prosecuting this case and that evidence of the facts he recounts can be found in the transcripts and public records of the circuit court.

This order makes clear that this court is not taking judicial notice of any of the aforementioned documents or facts Johnson references in those filings. As stated above, evidence in the present case file regarding the pending summary judgment motion will be considered by the court in deciding that motion, while any other factual matters will not be considered.

Therefore,

IT IS ORDERED that plaintiff's Judicial Notices of June 2 and June 4, 2004, and April 20, 2005, are rejected.

Dated at Milwaukee, Wisconsin, this 22nd day of April, 2005.

BY THE COURT

s/ C. N. CLEVERT, JR.
C. N. CLEVERT, JR.
U. S. District Judge